

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 27, 2000

DIVISION ONE

Court convened at 9:00 A.M.

Present: Ortega, Acting P.J., Vogel (Miriam A.), J., Mallano, J. and C. Hon, Deputy Clerk.

Each of the following:

B131093 Wilson v. Blackmond, et al.

Argument waived, cause submitted.

B132751 Byers
 v.
 Peterson

Merits:

Argued by Lloyd E. Byers for appellant and by Archie Chin for respondent. Both counsel waive the presence of Presiding Justice Spencer. Cause submitted.

B141130 Nicole R.
 v.
 De La Hoya et al.

Merits:

Argued by Daniel O'Leary for appellant and by Robert S. Chapman for respondents. Both counsel waive the presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B138182 Galas
 v.
 Visan

Merits:

Argued by Steven Kaplan for appellant and by Susan A. Rodriguez for respondent. Cause submitted.

B129025 Sanchez et al.
 v.
 Lacanlale

Merits:

Argued by Lawrence J. Rudd for appellants and by Michael Gonzalez for respondent. Both counsel waive the presence of Presiding Justice Spencer. Cause submitted.

Justice Mallano leaves the bench.

B133521 Tucker, Jr.
 v.
 Goldich

Merits:

Argued by Matthew T. Surlin for appellant and by Orly Degani for respondent. Both counsel waive the presence of Presiding Justice Spencer. Cause submitted.

Justice Mallano returns to the bench.

Justice Vogel leaves the bench.

DIVISION ONE (Continued)

B134518 Parra
v.
County Of Los Angeles et al.

Merits:
Argued by Juan Carlos Dominguez for appellant and by Michael M. Bergfeld for respondents. Both counsel waive the presence of Presiding Justice Spencer. Cause submitted.

Justice Vogel returns to the bench.

B138188 Harkham
v.
Goldstein

Merits:
Argued by Martin F. Goldman for appellant and by Fredric J. Greenblatt for respondent. Both counsel waive the presence of Presiding Justice Spencer. Cause submitted.

B129140 City Of Irwindale
v.
State Mining & Geology Board et al.
United Rock Products Corporation

Merits:
Argued by Jeffrey T. Melching for appellant, by Douglas B. Noble, Deputy Attorney General for respondents and by Joel D. Deutsch for real party in interest. All counsel waive the presence of Presiding Justice. Spencer. Cause submitted.

B135292 Wilshire-Doheny Associates et al.
v.
Shapriro et al.

Merits:

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Argued by Richard N. Rust for appellants and by Dennis R. Bunker for respondents. Both counsel waive the presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

Justice Vogel leaves the bench.

B135654 Van Wagner Communications, Inc.
 v.
 City Of Los Angeles et al.

Merits:

Argued by Efrat M. Cogan for appellant, by Michael L. Klekner, Deputy City Attorney for respondent (City Of Los Angeles) and by Gregory G. Gorman for respondent (ACP Santa Monica). All counsel waive the presence of Presiding Justice Spencer. Cause submitted.

Justice Vogel returns to the bench.
Justice Mallano leaves the bench.

B135084 Skadron
 v.
 Burnette et al.

Merits:

Argued by Laurence H. Lishner for appellant and by Gregory B. Gershuni for respondents. Both counsel waive the presence of Presiding Justice Spencer. Cause submitted.

Justice Mallano returns to the bench.

B135518 Papadakis et al.
 v.
 Susan Spellacy, as Trustee, etc.

Merits:

Argued by Dennis A. Page for appellant and by Bennett A. Rheingold for respondents. Both counsel waive the presence of Presiding Justice Spencer. Cause submitted.

DIVISION ONE (Continued)

B131531 Superior Gunitite
v.
Lehigh Construction Corp.

Merits:

Argued by Francis J. Lanak for appellant (Tig) and by Larry H. Clough for appellant (Lehigh Inc.) and by John L. Hunter for respondent. Cause submitted.

B124253 Mitchell
c/w v.
B128172 Upjohn Company
Mosher

Merits:

Argued by Kent Richland for appellant (Mitchell), by Hall R. Marston for respondent and by Josh Cole Aicklen for appellant (Mosher). All counsel waive the presence of Presiding Justice. Spencer. Cause submitted.

Court adjourned at 1:31 P.M.

DIVISION TWO

B135254 People (Not for Publication)
v.
Jose Carlos Marquez

The judgment is reversed.

Cooper, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

DIVISION THREE

B132665 Moore (Not for Publication)
v.
Stewart

The order issuing the injunction is affirmed. Costs on appeal are awarded to Moore and Thakar.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

B133922 Zadeh (Not for Publication)
v.
City of Beverly Hills, et al.

The judgment is affirmed. Respondents the City of Beverly Hills and the People of the State of California are awarded costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
Kitching, J.

B137582 In re Steven Vargas (Certified for Publication)
on
Habeas Corpus

The petition for writ of habeas corpus is granted and the order to show cause is discharged. The superior court is directed to conduct an evidentiary hearing. We confer jurisdiction upon the superior court to grant or deny relief based upon the law and the facts so determined.

Aldrich, J.

We concur: Klein, P.J.
Croskey, J.

DIVISION THREE (Continued)

B121299 People (Not for Publication)
v.
Sanchez, et al.

Sanchez's conviction on count 19 for possession of PCP precursors is reversed. The case is remanded for the trial court to reconsider its decision imposing the five-year weight enhancement in connection with Baker's count 1 conviction for conspiracy. The judgment is modified to reflect the imposition of parole revocation fines in the following amounts: \$1,200 (Baker); \$700 (Sanchez); \$800 (Rogers); and \$7,000 (Humber). The trial court is directed to prepare an amended abstract of judgment reflecting these modifications and forward it to the Department of Corrections. In all other respects, the judgments are affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

DIVISION FOUR

B137273 Los Angeles County, D.C.S. (Not for Publication)
v.
Brandy P. and Christopher R.

The orders of the juvenile court are affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
Curry, J.

DIVISION FOUR (Continued)

B138442 Los Angeles County, D.C.S. (Not for Publication)
v.
Raymond J.

The order is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

B132973 People (Not for Publication)
v.
Maurice Caples

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

B132937 Young (Not for Publication)
v.
Sears, Roebuck & Co.

The order denying the motion to set aside the dismissal is affirmed. Costs are awarded to respondents.

Hastings, J.

We concur: Vogel (C.S.), P.J.
Curry, J.

DIVISION FOUR (Continued)

B141684 People (Not for Publication)

v.

Superior Court, Los Angeles County

(Penate, r.p.i.)

Let a writ of mandate issue compelling the trial court to reverse its orders of March 27 and April 12, 2000, and issue a new order denying the motion by Penate and otherwise addressing the issue of disclosure as suggested by this opinion. The Stay Order and the Order to Show Cause having served their purposes, they are discharged.

Hastings, J.

We concur: Epstein, Acting P.J.

Curry, J.

B136051 People (Not for Publication)

v.

Berthold Lev C.

For the foregoing reasons, the judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

B138353 People (Not for Publication)

v.

Ernest Juan P.

For the foregoing reasons the order placing appellant in camp is reversed and the matter remanded for further proceedings.

Epstein, J.

We concur: Vogel (C.S.), P.J.

Hastings, J.

September 27, 2000-Continued

DIVISION FOUR (Continued)

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For the foregoing reasons, the judgment is affirmed.

Vogel (C.S.), P.J.

We concur: Epstein, J.
Curry, J.

[illegible]

For the foregoing reasons, the judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

B126543 Wolf
v.
Wolf

Filed order modifying opinion and denying petition for rehearing. (Change in judgment)

B136421 Golden Day Schools
v.
State of California

Filed order modifying opinion and denying petition for rehearing. (No change in the judgment)

DIVISION FOUR (Continued)

B136247 People
v.
Mower

Filed order denying petition for rehearing.

B135546 People
v.
Rodabaugh

Filed order denying petition for rehearing.

DIVISION FIVE

B138641 Naum N. Shekhter et al. (Not for Publication)
v.
Computer Equipment & Leasing Corporation et al.

The judgment is affirmed. Respondents Computer Equipment & Leasing Corporation and ITT Industries, Inc., as real parties in interest responding for cross-defendants Semon, ITT Corporation, ITTML, Inc., ITT Commercial Finance Corp., and ITT Federal Bank, are awarded their costs and contractual attorney's fees on appeal.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

B139397 People (Not for Publication)
v.
Derrick Kado

The judgment is affirmed.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

September 27, 2000-Continued

DIVISION SIX

B140008 Michaelson (Not for Publication)
v.
City of San Buenaventura

The judgment is affirmed. Costs are awarded to respondent.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SEVEN

B133466 Gonzales et al. (Not for Publication)
v.
County of Los Angeles

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B125395 Hess (Not for Publication)
v.
Ford Motor Company

The case is remanded to the trial court for recomputation of the judgment as follows: The trial court judgment shall include interest at the rate of 10% pursuant to Civil Code section 3291 from October 12, 1989 to July 6, 1998 (the date of the original judgment in favor of Hess) and the resulting judgment shall bear interest at the rate of 10% from July 6, 1998 until satisfied. In all other respects, the judgment is affirmed. Respondent is entitled to recover his costs on appeal.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

September 27, 2000-Continued

DIVISION SEVEN (Continued)

B137148 People (Not for Publication)
v.
Harris

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B132545 People (Not for Publication)
v.
Sutton

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B137842 People (Not for Publication)
v.
Jorge M., a minor

The order suppressing evidence is reversed, as is the order dismissing the petition alleging the incidents of July 20, 1999. The cause is remanded for further proceedings on that petition in conformity with this opinion.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

September 27, 2000-Continued

DIVISION SEVEN (Continued)

B136452 People
v.
Reyes

(Not for Publication)

The judgment is affirmed.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B131295 People (Not for Publication)
v.
Saxton

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B137634 Borun (Not for Publication)
v.
Powell et al.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

DIVISION SEVEN (Continued)

B135082 Sajadi (Not for Publication)
v.
Taymoori et al.

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

B133614 Kotlar (Certified for Publication)
v.
Hartford Fire Insurance Company et al.

The judgment is reversed and the cause is remanded to the trial court with directions to overrule the demurrer as to the first and third (breach of contract) causes of action. Each party to bear its own costs on appeal.

Johnson, Acting P.J.

We concur: Woods, J.
Neal, J.

B133199 People (Not for Publication)
v.
Ghaffari

The judgment is reversed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

September 27, 2000-Continued

DIVISION SEVEN (Continued)

B139691 People (Not for Publication)
v.
Moreno

The case is remanded for resentencing in accordance with this opinion (appellant's convictions are not disturbed).

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B141665 Yu (Not for Publication)
v.
Superior Court, Los Angeles County
(Wellman, r.p.i.)

The alternative writ is discharged; the petition for writ of mandate is denied. Real party in interest is to bear his costs in this proceeding.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B135146 Chicago Title Company (Not for Publication)
v.
Kocourek

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

DIVISION SEVEN (Continued)

B132640 Pasadena Police Officers Assn. (Not for Publication)
v.
City of Pasadena

The judgment is reversed and the cause is remanded with directions to the superior court to grant the application for preliminary injunction and petition for writ of mandate. Appellant is to recover costs on appeal.

Lillie, P.J.

We concur: Woods, J.
 Neal, J.

B138250 Los Angeles Christian Presbyterian Church and Kim (Not for Publication)
v.
Christian Presbyterian Church in America

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B110748 Ganete (Not for Publication)
v.
Harrington, Foxx Dubrow & Carter

The judgment is affirmed. Respondent(s) to recover costs.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

September 27, 2000-Continued

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B131903 People (Not for Publication)
v.
Padilla

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B135293 People (Not for Publication)
v.
Green

The judgment is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

September 27, 2000-Continued

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Neal, J.

B134809 People (Not for Publication)
v.
Avila

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

B134883 People v. Reyes (Not for Publication)
B141527 In re Reyes on Habeas Corpus

The judgment is affirmed; petition for writ of habeas corpus is denied.

Lillie, P.J.

We concur: Woods, J.
Neal, J.

September 27, 2000-Continued

DIVISION SEVEN (Continued)

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The order under review is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

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The order revoking probation is affirmed.

Lillie, P.J.

We concur: Woods, J.
Neal, J.